

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.11402 OF 2018

ORDER: (per SK,J)

The petitioner is the applicant in O.A.No.2765 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. By order dated 14.12.2017, the Tribunal dismissed the said O.A. Aggrieved thereby, he filed the present writ petition.

The case of the petitioner was that he was provisionally selected as a Reserve Sub-Inspector of Police from Scheduled Tribe category pursuant to the selections made by the State Level Police Recruitment Board, State of Andhra Pradesh, under Recruitment Notification dated 17.09.2016. He was however not inducted into training on the ground that he was involved in a criminal case, wherein he was acquitted, but had wilfully suppressed the said information and therefore, invited disqualification for appointment as per rules. The Tribunal opined that when the petitioner/applicant stood disqualified for appointment owing to wilful suppression, no cause was made out for interference and accordingly dismissed the O.A.

In the light of the law laid down by the Supreme Court in Avtar Singh v. Union of India¹, we are of the opinion that the matter does not require to be adjudicated on merits by this Court.

In terms of the aforesaid judgment, it is ultimately within the discretion of the employer to consider the impact of the involvement of the candidate in a criminal case and suppression thereof by him, if any.

¹ (2016) 8 SCC 471

The writ petition is accordingly disposed of permitting the petitioner/applicant to make a representation to the authorities concerned setting out his grievance. In the event such a representation is made, the authorities concerned shall consider the same in the light of paragraphs 36 to 38 of the judgment rendered by the Supreme Court in Avtar Singh¹. This exercise shall be completed expeditiously and, in any event, not later than eight weeks from the date of receipt of the representation made by the petitioner/applicant, if any.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:06.04.2018

GJ



SANJAY KUMAR,J

M.GANGA RAO,J